



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

VTN
F. #2017R01361

*271 Cadman Plaza East
Brooklyn, New York 11201*

April 2, 2021

By ECF

The Honorable Raymond J. Dearie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Andre Wilburn
Criminal Docket 19-139 (RJD)

Dear Judge Dearie:

The government respectfully submits this letter to advise that it has no objections to the Presentence Investigation Report prepared on March 11, 2020 ("PSR"), in the above-referenced matter.

The government seeks only two clarify two matters relating to the PSR. First, after the PSR was submitted, the Probation Department advised the government that it received an Affidavit of Loss from Amtrak affirming that Amtrak suffered a total loss of \$468,036.85. (Cf. PSR ¶ 11). Secondly, the government notes that in the plea agreement between the parties, the base offense level for access device fraud, as committed by the defendant and set forth in § 2B1.1(a), was incorrectly calculated as level seven. The government agrees with the Guidelines calculation set forth in the PSR which specifies a base offense level of six for the defendant's conviction of access device fraud under Count Two of the indictment. (PSR ¶ 24).

Respectfully submitted,

MARK J. LESKO
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cc: Clerk of the Court (RJD) (by ECF)
James Darrow, Esq. (by ECF)
Angelica Deniz, United States Probation Officer (by E-mail)